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Information and analysis
bulletin on extractivism
here and in Colombia

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Access to the Cubiros oil well blocked in San Luis de Palenque

The Cubiros oil well had been blocked for ten days until the protestors reached an agreement with the Canadian company Frontera Energy (previously known as Pacific Stratus, owned by Pacific Rubiales) to resume negotiations which had been interrupted in September.

On August 2nd 2017, members of different localities from the San Luis de Palenque municipality requested negotiations with the multinational corporation in order to make their demands known. After 3 days of blockade, negotiations were initiated between the corporation and the municipal administration. However, they were interrupted again on September 20th 2017, leaving issues related to human rights, wages, social investments and environmental compensations unsolved.

After the "Cumbre Agraria, Campesina, Étnica y Popular" (Popular Ethnic Agricultural Peasant Summit) on October 12th, at 12 PM, a nation-wide month-long mobilization began. The contractual workers and representatives of the community blocked the well again, leading to many skirmishes against the anti-riot

squad who were on location.

After refusing for many days, the corporation finally accepted to restart the negotiations and signed an agreement not to file charges against the protesters. In addition, they also accepted to resume

negotiations with the supervision of the USO Oil Sector Union, the Organization for Human Rights, the COSPACC and the ASONALCA peasant association. Members of PASC and REDHER were also present.



Trade agreements let Canadian companies make Colombian law

Two Canadian mining companies are invoking the Canada-Colombia Free Trade Agreement, signed in 2008, as a means of extracting US \$1 billion from the government of Colombia. The government's crime: having had the temerity to protect its water resources while not doing enough to repress demonstrators.

This situation highlights two important facts: first, that the people in Colombia who are affected by Canadian mining have no access to justice, and second, that the mining companies have no trouble using certain legal provisions, particularly in the field of commercial law, to blackmail governments into keeping out of the way of their revenue streams.

One of these companies, Gran Colombia Gold, is threatening to sue the Colombian government under the CCFTA arbitration mechanisms for \$700 million. Gran Colombia accuses Colombia of failing to guarantee the security of its investments. The company arrived in the historic small-scale mining village of Marmato in 2009. Its initial proposal was to demolish the village and turn it into an open-pit mine; an intense socio-environmental conflict ensued, during which the village priest, José Reinel Restrepo, was assassinated in 2011 for speaking out against the project. Since 2013, the town's miners have been holding strikes and blockades to prevent the company from shutting down their claims. In February 2017, Judge Vargas of the Constitutional Court ordered the company to consult the residents on its mining project.

In 2010, Gran Colombia arrived at Segovia and Remedios (Antioquia), where it had acquired the concessions of Frontino Gold Mine. That mine had, in 1977, been ceded to its employees in payment of debts. Since the acquisition, the area has been embroiled in legal and social conflict, yet the company was fully aware of the situation when it arrived. The most recent strike persisted into late August 2017 and met with intense repression, including excessive force applied by riot police. Note that similar complaints of excessive force had been heard a few months earlier in Buenaventura, when the riot squad attacked protesters blocking access to the port; in that instance, people were smoked out of their homes with tear-gas bombs and other weapons. In both cases, the state used force to defend the investments, infrastructure, and access roads of the extraction barons.

In the case of Eco Oro, another multinational gold company operating in the northeast region of Colombia, the same dynamic is at play. The company (formerly operating under the name Greystar) is demanding \$300 million from Colombia in its CCFTA arbitration claim. It says that it was cheated by a judgment of the Constitutional Court in which the páramos (high mountain plains) were declared to be protected zones off-limits to mining. The páramos are strategic ecosystems because of the large quantities of fresh water they contain.

"It's always been clear, since the beginning of the Angostura project, that the constitution and the legal provisions protecting the páramos might affect the Santurbán páramo and that the project might not get approval. Countries shouldn't be penalized for protecting their water resources in accordance with their domestic and international obligations," said Carlos Lozano Acosta, legal counsel to several communities opposing Eco Oro.

Another example is that of Glencore, which is demanding \$400 million under a treaty with Switzerland. Meanwhile, Tobie Mining and Cosigo are suing for a whopping \$16.5 billion under the trade agreement with the United

States, alleging that they were awarded mining concessions in an area previously declared a natural park. This last case appears to have brought to light an instance of government corruption in Colombia.

International accompaniers in Colombia

The PASC has been promoting an anti-imperialistic vision of international solidarity for 13 years now. Accompaniment serves as a means of protection for community and organizations, and creates a space for creating links of solidarity between here and Colombia.

If you're interested by accompaniment in Colombia, contact us or visit our website.

The upshot of all this is that the government no longer has the right to protect a natural park or reserve from mining or hydrocarbon concerns, especially those that are driven by foreign investment. Trade agreements are stupendously one-sided affairs in which governments are barred from legislating to protect society, culture, the environment, trade unions, or even the national economic interests.

The environmental NGO CENSAT points out that the companies do not have to make good on these threats: just making them is enough to put pressure on authorities, legislators, and public servants, who know that even if Colombia wins, it will be stuck with its own court costs. These officials will take special care not to damage their careers by making decisions that could get the government into trade-agreement trouble with foreign investors. In this way, the lawsuit becomes a pressure tactic in itself, irrespective of the arbitrators' final decision. However, the fact that the arbitration panels themselves constitute lucrative contracts for the arbitrators – high-level trade lawyers who move in the same circles as their clients – may well bias them in favour of the companies, especially if they wish to obtain future contracts.

A large number of social movement and human rights organizations have stressed the urgency of putting an end to the companies' impunity, their absolute power to do what they want. In 2011, a report from the auditor-general of Colombia sounded the alarm about the risks of the prevailing economic model; it found that foreign companies take far more than they give and do not support the local economy at all: "for each 100 pesos

of royalties that a foreign company pays, it gets 132 pesos in tax exemptions." Now, they're demanding fabulous sums in compensation for allegedly foregone (but actually merely speculative) profits.



It is an unfortunate fact that socioenvironmental conflicts such as these are on the rise all over the world. In Colombia, five municipalities have already held public consultations in accordance with the current Constitution, which resulted in a rejection of all mining and oil development on their territories. These plebiscites demonstrate the people's desire to base their regions' development on small-scale agriculture. In 2017, large-scale social protest continues in the regions of Segovia, Remedios, and Buenaventura. In Burcaramanga thousands took the streets to protect the Santurban Paramo. Meanwhile the residents of La Mata (Cesar department) and Pio XII are also standing in opposition to extractive operations, using roadblocks and other tactics.

See our website for sources, more information and complete article.

When the oil companies meddle in the regulations of the Hydrocarbons Act

In December 2016, in the middle of the night, Couillard government invoked closure on the adoption of Hydrocarbons Act, regardless of any opinions of the inhabitants of the territory, except the one from his oil and gas friend. Last September, it made public the draft regulations for the implementation of this law, which should come into force by the end of 2017. These regulations allow drilling near inhabited areas and in water bodies, inclined to believe the hands of oil company lobbyists wrote them.

If hydraulic fracturing is undoubtedly old-fashioned, it represents risks as well. The new regulations change the minimum distance between drilling and rivers, lakes, parks, heritage sites, health and education institutions, daycares and homes, a joke that once again, can only force oneself to laugh. Indeed, this drastically short distance of 40 to 275 meters between these publics and life's spaces and the exploitation of

Who will remain with the devastated territory in case of leaks, spills, accidents?

hydrocarbons have enough to leave us perplexed, if not worried about the threat, especially on the water that these ridiculous distances allow to hover over lives and ecosystems. The law state for example a 175 meters between a drilling and a residential area, and a 150 meters distance for an isolated house. And what next...

Attacking the living and the heart of biodiversity, these measures make the lakes and rivers of the so-called Québec accessible to oil and gas exploration projects. Nothing is prohibited: drilling on the edge of national parks and protected areas will now be possible. For their part, almost 300 municipalities require that the government renounce to this project in order to protect their drinking water, an exemption that, to our surprise, the government has simply refused to grant them. And yet, they do not require for the operations hydraulic fracturing to stop, but only to respect the distance of 2km between wells and populated areas. 2km!

However the story does not stop there: these draft regulations come to mark the responsibility of companies to predefined amounts in case of environmental and social damage, which, needless to say, are far from representing hypothetical fears. While cleaning up damaged sites is often impossible, companies will have their monetary liability limited by law. Therefore, who will remain with the devastated territory in case of leaks, spills, and accidents?

Thus, these draft regulations bring to light the tangible and direct links between government and extractive companies: promoting fracking, limiting corporate

responsibility and allowing drilling at ridiculous distances from homes and living spaces, they formalize the general contempt towards the population and drinking water.

Obviously, Couillard's draft regulations can only remind us the fight against the Petroliia Haldimand 1 and 2 wells in Gaspé. While Petroliia announced last fall the possibility of using hydraulic fracturing at these two wells, the government facilitates the task by royally opening the subsoil door, in a legal way.

When the government joins the oil and gas companies, with no more secrecy, to destroy the

territory, what is left for us to be heard? Multiply the initiatives of confrontation? Multiply the actions against the numerous systems of domination, which destroy bodies and territories? To become solidary with the native communities, which are organized on these colonized, looted lands?

In tribute to the victorious struggles against TransCanada's Energy East pipeline from the defenders of the River and the various actions carried out against oil companies in Gaspésie, let's destabilize extractive companies: their projects, which they sold us like hotcakes, and their narrow visions of a profitable world for white, rich, power-hungry men, which are of course meaningless.

Let's call for solidarity with people and individuals fighting against these ridiculous structures, these mechanisms of domination and these barriers that interfere with the living.

Long live to the effervescence!



Piedra, it is the rock of resistance, the rock which, placed in the powerfuls' shoe, bothers. It is the one that, in all its diversity, constitutes our habitat, vital to our existence. It is the rock we throw. And, of course, it is the exploited rock. Extractivism, an economic model based on the exploitation of resources, ravages always increasingly here and elsewhere. It is in "Canada", on colonized lands, that the majority of mining companies hold their headquarters. As so, the Canadian companies deploy their activities in Colombia in all impunity, and take advantage and participate in the political and social violence that hits this country living in war.

The Project Accompaniment Solidarity Colombia is a collective which realizes accompaniment with Colombian communities and organizations since 2003, while also creating links here and in Colombia of groups and individuals struggling against the imposition of mega-projects of resource extraction.